

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	Case No. 4:25-mj-06041
)	
Plaintiff,)	Judge J. Philip Calabrese
)	
v.)	Magistrate Judge
)	Carmen E. Henderson
DAVID POYSSICK,)	
)	
Defendant.)	
)	

OPINION AND ORDER

According to the affidavit in support of the criminal complaint in this case, Defendant David Poyssick committed a violation of 18 U.S.C. § 922(g)(9) when he was in possession of ammunition after having been convicted of a misdemeanor crime of domestic violence. (ECF No. 1-1, ¶ 10, PageID #5–6.) Based on this affidavit, the Magistrate Judge signed the criminal complaint. (ECF No. 1.)

Following Defendant’s arrest and initial appearance in this case, the United States moved to detain Defendant. (Minutes, March 17, 2025.) After holding a detention hearing, the Magistrate Judge ordered Defendant released subject to conditions. (Minutes, March 19, 2025.) The United States appeals the Magistrate Judge’s release order and moves to stay the granting of bond to Defendant pending resolution of its appeal. (ECF No. 8.) This ruling addresses only the issue of a stay pending the appeal from the Magistrate Judge’s Order setting conditions of release. The Court will consider the merits of the United States’ appeal of the Magistrate

Judge's release order at the detention appeal hearing, which it will set by separate order.


Under 18 U.S.C. § 3145(a), “[i]f a person is ordered released by a magistrate judge . . . the attorney for the Government may file, with the court having original jurisdiction over the offense, a motion for revocation of the order.” District courts review a magistrate judge's release or detention order de novo. *United States v. Tripplett*, No. 1:19-cr-700, 2020 WL 6702118, at *1 (N.D. Ohio Nov. 13, 2020) (citing *United States v. Alexander*, 742 F. Supp. 421, 423 (N.D. Ohio 1990)).

For now, based on the review of the record, and the expectation that a hearing on the merits of the appeal will happen promptly, the Court determines that good cause exists to grant the motion for a stay. This brief stay maintains the status quo pending determination of the appeal. It does not constitute a determination on the merits of the appeal one way or another.

Accordingly, the Court **STAYS** the Magistrate Judge's release order pending resolution of the United States' appeal at the detention appeal hearing on March 24, 2025. Defendant shall remain in the custody of the United States Marshals Service in the Northern District of Ohio until further order of this Court.

SO ORDERED.

Dated: March 19, 2025



J. Philip Calabrese
United States District Judge
Northern District of Ohio